



Minutes of the Regular Meeting of the Ankeny City Council

Monday, January 18, 2010 - 5:30 P.M.

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

Steven D. Van Oort, Mayor

Dave Kissinger, Mayor Pro tem

Council Members: Craig Block, Dave Kissinger, Wade Steenhoek, Gary L. Welch

Mayor Van Oort called the meeting to order at 5:32 p.m. Council member Welch was absent. City Manager, Carl Metzger, and City Attorney, Amy Beattie, were present.

Mayor Van Oort stated Councilor Welch had an excused absence.

CEREMONY: Mayor Van Oort read a Proclamation proclaiming January 28, 2010 as Ankeny Community Education Day.

A. PUBLIC FORUM

Citizen Open Forum: Greg Edwards, President/CEO of the Greater Des Moines Convention & Visitors Bureau (CVB) presented Ankeny with the Mayor's Cup for the CVB Mayor's Cup Golf Tournament held in June of 2009. Mr. Edwards also presented a framed piece of artwork to the Mayor for the city's participation in the AAU Junior Olympic Games held last summer. He further presented an overall report on Tourism and Visitor's industry throughout the metro area.

Greg stated an amended CVB 28E Agreement will be forthcoming for council approval. He stated the amendment consists of some slight verbiage changes that relate to municipality participation and board appointments.

Robert Oliver, 602 SW Walnut, addressed the council regarding water connection to land he owns located on NE 29th Street which falls within the city limits. He stated he had previously come before council to request a reduction in the price to hook up to city water as he had paid the SE Rural Water District \$300.00 back in 1995 for hookup. Mr. Oliver presented a copy of his \$300 cancelled check.

City Manager, Carl Metzger, stated the area of which Mr. Oliver speaks is located within a water connection fee district and staff is concerned about equity between all of the individuals who are within that connection fee district and the precedence that would be set if council were to agree to lower the connection fee for Mr. Oliver and not for others who are within the district. He further stated he believes the \$300 Mr. Oliver paid represents a deposit toward the cost of connecting to SE Rural Water but the SE Rural Water never constructed the system at that time and Mr. Oliver should have received a refund of his \$300 at a later date.

Robert Oliver stated he did receive a refund but he understood that the \$300 he paid was not a deposit but the total cost of water hook up.

Mayor Van Oort requested City Manager get in touch with Mr. Oliver and create a chronology so that council can review and report back to Mr. Oliver.

B. APPROVAL OF AGENDA

ACTION #1. Block made the MOTION to approve and accept the January 18, 2010 agenda, without amendment, seconded by Strait.

ROLL CALL

2010-0118.01 YES 4 NO 0

C. PUBLIC HEARING(S):

- **PH 2010-01:** Mayor Van Oort announced this is the time and place for a public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of \$2,000,000 Sewer Revenue Capital Loan Notes, Series 2010B, to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, including construction and improvement of works and facilities useful for the control and elimination of water pollution, including the acquisition of any real estate needed for such purpose and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.82 of the City Code of Iowa, as amended.

Jolee Belzung, Municipal Utilities Director, presented an overview of the factors related to the process of remediating the former wastewater treatment lagoons and landfill, former Iowa State Farm and now a portion of the Prairie Trail Development and as the consequence of a series of actions before council this evening is an action seeking supplemental revenue authority related to this project.

ACTION #2. There being no written or oral objections Kissinger made the MOTION to close Public Hearing 2010-01, seconded by Block.

ROLL CALL

2010-0118.02 YES 4 NO 0

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

Plan & Zoning Commission Representative, Larry Voigt presented a brief overview of the activities of the Plan & Zoning Commission.

Park Board Representative, Connie Johnson, presented a brief overview of the activities of the Park Board.

E. REPORT OF LOBBYIST: none

F. APPROVAL OF CONSENT AGENDA:

• **Minutes**

- CA-1 Approval of official council actions of the regular meeting of January 4, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-2 Receive and file minutes of the Civil Service Commission meeting of January 14, 2010, subject to correction, as recommended by the recording secretary.

• **Licenses and Permits:**

- CA-3 Consider motion to approve a Cigarette Permit for DH Club, Inc., d/b/a Jokers, 1509 South Ankeny Blvd. (new)
- CA-4 Consider motion to approve a Class C Liquor License w/Sunday Sales & Outdoor Service Area for Bistro's and More, Inc., d/b/a Old Chicago, 2732 SE Delaware Avenue. (renewal)
- CA-5 Consider motion to approve a Class C Beer Permit w/Sunday Sales & Carryout Wine for Quik Trip Corporation d/b/a Quik Trip #514, 802 East First Street. (renewal)
- CA-6 Consider motion to approve Class C Liquor License w/Sunday Sales & Outdoor Service Area for Wig N Pen West, LLC, d/b/a Wig and Pen Pizza Pub, 2005 South Ankeny Blvd. (renewal)
- CA-7 Consider motion to approve a Class B Beer Permit w/Sunday Sales for Freshmex Ankeny, LLC, d/b/a Panchero's Mexican Grill, 2310 SE Delaware Avenue, Ste J. (renewal)

• **Finance/Budget**

- CA-8 Consider motion to receive and file Financial Reports for December 2009.
- CA-9 Consider motion to receive and file Building Permit Report for December 2009.
- CA-10 Consider motion to receive and file Utility Billing Report for December 2009.
- CA-11 Consider motion to approve Payment #19 in the amount of \$8,019.00 to Civil Design Advantage for engineering services on the 2009 SE Oralabor Road Reconstruction Project.

- CA-12** Consider motion to approve Payment #23 in the amount of \$24,654.25 to Howard R. Green Co., for the I-35 & NE 36th Street Interchange Preliminary Design Project.
- CA-13** Consider motion to approve Change Order #14 increasing the contract amount by \$32,197.00 to Larson & Larson Construction LLC for construction services on the on the Ankeny Police Headquarters Building Project.
- CA-14** Consider motion to approve Payment #8 in the amount of \$368,599.99 to Sande Construction and Supply Co., Inc., for construction services on the Cascade Falls Aquatic Center Project.
- CA-15** Consider motion to approve Payment #18 in the amount of \$17,400.00 to Water's Edge Aquatic Design, LLC for design services on the Cascade Falls Aquatic Center Design Project.
- CA-16** Consider motion to approve the January 18, 2010 Accounts Payable from the following fund: General \$112,235.50, Road Use Tax \$18,900.79, Seizure \$68.50, Tax Increment Financing \$364.50, Economic Development \$1,224.60, Recreation Activities \$12,025.00, Solid Waste \$31,684.80, Water \$128,564.90, Sewer \$130,304.98, Sewer Improvement \$67,047.10, Stormwater \$56.68, Golf Course \$41,690.59, Enterprise Project \$37,460.96, Revolving \$43,195.34, Risk Mgmt \$32,178.63, Health Insurance \$11,334.10, BAN/Bond Activity \$25.93, Capital Projects \$510,309.66, Payroll \$811,986.49, Less Service Transfers (\$152.15), Less Agenda Pymts Approved Separately (\$471,134.49), Grand Total \$1,519,372.41 (Finance Committee: W. Steenhoek, Chp., D. Kissinger, T. Strait)

• **Personnel Items:**

- CA-17** Consider motion to approve the Civil Service Commission list of candidates eligible for appointment to the position of Administrative Clerk in the Police Department, subject to passing all other requirements. (list on file in the City Clerk's office)
- CA-18** Consider motion to approve Matt Knoll, certified eligible for promotion to the position of Water Operator II subject to passing all other requirements.

• **Community Development Items:** none

• **Engineering Items:** none

• **Capital Improvement Projects - Final Acceptance**

- CA-19** Consider motion to accept the Certificates of Completion from Partners & Sirny Architects, LLP for the Otter Creek Golf Course Clubhouse and Community Building Project.

CA-20 Consider motion to adopt RESOLUTION 2010-006 accepting the Otter Creek Golf Course Clubhouse and Community Building Project with Pinnacle Construction Group, LLC in the final contract amount of \$3,484,382.66.

CA-21 Consider motion to authorize release of retainage payment in the amount of \$52,461.25 to Northern Escrow for the Pinnacle Construction Group, LLC for the Otter Creek Golf Course Clubhouse and Community Building Project in accordance with the terms of the contract.

• **Administrative Items:**

CA-22 Consider motion to adopt RESOLUTION 2010-007 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing delinquent utility account balances against property.

CA-23 Consider motion to adopt RESOLUTION 2010-008 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing the cost of nuisance abatement against property.

CA-24 Consider motion to adopt RESOLUTION 2010-009 to authorize the Mayor's signature approving the City of Ankeny's "Keep Ankeny Beautiful" application to the Polk County Betterment Grant Program for the Adopt-A-Flower Bed Program.

CA-25 Consider motion to adopt RESOLUTION 2010-010 approving and authorizing the transfer of funds held by the Metro Waste Authority for the City of Ankeny from the Growing Green Community Account to the Parks and Recreation Department for funding and maintenance of native planting beds in parks and public areas.

CA-26 Consider motion to receive and file correspondence received from Ryan Gustafson dated January 2, 2010 regarding snow removal as it relates to public safety.

CA-27 Consider motion to adopt RESOLUTION 2010-011 adopting a certain supplement prepared by Iowa Codification, Inc., as an official supplement to the 2008 Municipal Code (covering ordinances through 1650).

CA-28 Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Tobacco Permit Holder, Casey's General Store #1941, 1010 SE Oralabor Road, Ankeny, Iowa.

CA-29 Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Tobacco Permit Holder, Casey's General Store #2164, 3505 N. Ankeny Blvd., Ankeny, Iowa.

- CA-30** Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Tobacco Permit Holder, Fareway Stores #061, 3205 N. Ankeny Blvd., Ankeny, Iowa.

ACTION #3. Strait made the MOTION to approve the recommendations for Consent Agenda Items CA-1 through CA-30, seconded by Steenhoek.

ROLL CALL

2010-0118.03 YES 4 NO 0

G. SUPPLEMENTAL & REMOVED CONSENT AGENDA ITEMS:

ACTION #4. No action taken.

H. RECESS:none

I. LEGISLATIVE BUSINESS:

- Approval of Ordinances:

3rd Reading

Ordinance 1654: An ordinance amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain property owned by Kimberley Properties, Inc. (R-1 to R-3 w/restrictions)

ACTION #5. Kissinger made the MOTION to accept third consideration of ORDINANCE 1654, sending it on its final passage and publication as required by law, seconded by Strait.

ROLL CALL

2010-0118.05 YES 4 NO 0

- Boards/Commissions Appointments

Board of Adjustment – 5 year term

- Kristi Tomlinson, 813 SW Cohasset Drive

ACTION #6. Block made the MOTION to accept Mayor's reappointment of Kristi Tomlinson to the Board of Adjustment, effective 2/1/2010 – 1/31/2015, seconded by Kissinger.

ROLL CALL

2010-0118.06 YES 4 NO 0

Board of Examiners and Appeals - 3 year term

- Marvin Davidson, 821 SE 3rd Street
- Scott Stephan, 1702 NE Keystone Drive

ACTION #7. Strait made the MOTION to accept Mayor's reappointments of Marvin Davidson and Scott Stephan to the Board of Examiners and Appeals, effective 2/1/2010 – 1/31/2013, seconded by Steenhoek.

ROLL CALL
2010-0118.07 YES 4 NO 0

Park Board – 5 year term
- Chad Hade, 1026 NE Otter Ridge Cir.

Chad Hade introduced himself and presented some background information about himself.

ACTION #8. Kissinger made the MOTION to accept Mayor's appointment of Chad Hade to the Park Board, effective 2/1/2010 – 1/31/2015, seconded by Strait.

ROLL CALL
2010-0118.08 YES 4 NO 0

Plan and Zoning Commission – 5 year term
- Dean Godwin, 1002 NE 23rd Court
- Shelly Brotherton, 910 SE 9th Street

ACTION #9. Steenhoek made the MOTION to approve the reappointments of Dean Godwin and Shelly Brotherton to the Plan and Zoning Commission, effective 2/1/2010 – 1/31/2015, second by Block.

ROLL CALL
2010-0118.09 YES 4 NO 0

J. OLD BUSINESS: none

K. NEW BUSINESS:

- Proposed Issuance of not to exceed \$2,000,000 Sewer Revenue Capital Loan Notes, Series 2010B (PH 2010-01)

ACTION #10. Strait made the MOTION to adopt RESOLUTION 2010-012 instituting proceedings to take additional action for the authorization of a loan and disbursement agreement and the issuance of not to exceed \$2,000,000 Sewer Revenue Capital Loan Notes, Series 2010B, seconded by Kissinger.

ROLL CALL
2010-0118.10 YES 4 NO 0

ACTION #11.Kissinger made the MOTION to approve the Tax Exemption Certificate, seconded by Block.

ROLL CALL

2010-0118.11 YES 4 NO 0

ACTION #12.Block made the MOTION to adopt RESOLUTION 2010-013 approving and authorizing a form of loan and disbursement agreements by and between the City of Ankeny, Iowa, and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$2,000,000 Sewer Revenue Capital Loan Notes, Series 2010B, of the City of Ankeny, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said Notes, seconded by Strait.

ROLL CALL

2010-0118.12 YES 4 NO 0

- Proposed Rates and New Discount Program for the Otter Creek Golf Course 2010 Season

ACTION #13.Kissinger made the MOTION to approve the proposed rate structure and Advantage Plus Discount Program for the Otter Creek Golf Course 2010 Season, seconded by Steenhoek.

ROLL CALL

2010-0118.13 YES 4 NO 0

- Proposed Agreement with the Ankeny Community School District Cascade Falls Fiber Optic Project

ACTION #14.Strait made the MOTION to adopt RESOLUTION 2010-014 authorizing the execution of a 28E Agreement by and between the City of Ankeny, Iowa and Ankeny Community School District pertaining to the Cascade Falls Fiber Optic Project, seconded by Block.

ROLL CALL

2010-0118.14 YES 4 NO 0

- Real Estate Purchase Agreement

ACTION #15.Kissinger made the MOTION to adopt RESOLUTION 2010-015 authorizing execution of a real estate purchase agreement to purchase property located in Lot D, Cherry Glen Estate Plat 6, Ankeny, Iowa, seconded by Strait.

ROLL CALL

2010-0118.15 YES 4 NO 0

- Request for Executive Session

ACTION #16.Kissinger made the MOTION that Council go into Executive Session, pursuant to the provisions of Iowa Code Chapter 21.5, sub-paragraph

(c) “for the purpose of discussing strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation,” seconded by Strait.

ROLL CALL

2010-0118.16 YES 4 NO 0

Council went in to Executive Session at 6:37 p.m.
Council reconvened at 6:53 p.m.

- Police Station Headquarters Building Project

ACTION #17.Block made the Motion to direct legal counsel to proceed to give notice to contractor and bonding company on the Police Station Headquarters Building Project, seconded by Strait.

ROLL CALL

2010-0118.17 YES 4 NO 0

L. ADMINISTRATIVE BUSINESS:

- REPORT OF THE CITY STAFF: none
- REPORT OF THE GOVERNING BODY:

Mayor Van Oort presented an overview on the desire of Prairie Meadows to build a hotel and request possible tax abatement from the City of Altoona and in order for this type of abatement to occur a waiver would need to be approved from both the Bravo and Des Moines Convention and Visitor's Bureau 28E agreement cities.

Council Member Steenhoek inquired as to what would be presented to the Public at the Public Information meeting on January 28th.

City Manager, Carl Metzger, stated council will be presenting their direction on storm water projects and announce there will be no change in the tax rate. Council will take a more in depth evaluation of the projects in the CIP following the budget process when council has more time to analyze what they want to do.

Council member Steenhoek stated the Chamber of Commerce has reserved a table for ten at the Greater Des Moines Partnership event and there are two seats available for city representatives.

Mayor Van Oort stated the invitation is appreciated but there will not be city representatives attending this event. He stated a better use of taxpayers' money would be to use it toward the Washington DC trip or for opportunity to receive a betterment grant for the Parks and Recreation Department for the adopt-a-flowerbed program.

Council member Steenhoek stated the Ankeny Chamber of Commerce Public Affairs Committee asked if he would pass on to council their request for more dialogue and question and answer format during the Public Information Meeting on the budget. He further stated the Chamber will be proposing some type of forum involving the city and school district in much the same way the legislative forum was held.

Mayor Van Oort stated he would contact the Chamber Director requesting these types of requests be directed to him as the city representative.

Future Council Agenda Items:

- **Council Action Planning Session: FY2011 Budget Workshop – 01/25/10 @ 5:00 p.m. – City Hall Council Chambers**
- **Public Information Meeting: CIP – 1/28/10 @ 6:30 p.m. @ City Hall Council Chambers**
- **Regular City Council meeting: 2/1/10 @ 5:30 p.m.**
- **Council Action Planning Session: FY2011 Budget Workshop – 2/8/10 @ 5:00 p.m.**
- **Council Budget Workshop: CIP/2011 Budget - 2/12/10 (Friday) @ The Pinnacle Club @ 8:00 a.m.**
- **Regular City Council Meeting – 2/15/10 @ 5:30 p.m.**
- **Council Action Planning Session: Budget Workshop - 2/22/10 @ 5:00 p.m. @ City Hall Council Chambers**
- **Public Information Meeting: FY2011 Budget – 2/25/10 (Thursday) @ 6:30 p.m. (location TBD)**

M. ADJOURNMENT

ACTION #18. There being no further business, Strait made the MOTION to adjourn, seconded by Kissinger. (7:31 p.m.)

ROLL CALL

2010-0118.18 YES 4 NO 0

Pamela DeMouth, City Clerk

Steven D. Van Oort, Mayor

The context of the above meeting will be submitted for council action at their next regular meeting on January 18, 2010.

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